

Notice of Class Complaint Procedures and Class Agent Responsibilities

A class is defined as a group of employees, former employees, or applicants who are alleged to have been adversely affected by an agency personnel policy or practice which discriminates against the group on the basis of their common race, color, religion, sex, national origin, age, or disability.

A class complaint is a written complaint of discrimination filed on behalf of the class by the agent of the class, alleging that the class is so numerous that a consolidated complaint by the members of the class is impractical, and there are questions of fact common to the class, that the claims of the agent of the class are typical of the claims of the class, and that the agent of the class and, if represented, the representative, will fairly and adequately protect the interests of the class.

The one exception to the mandatory counseling prerequisite which allow a complainant to move for class certification at any reasonable point in the process when it becomes apparent that there are class implications to the claim raised in an individual complaint. The Commission intends that "reasonable point in the process" be interpreted to allow a complainant to seek class certification when s/he knows or suspects that the complaint has class implications, i.e., the complaint potentially involved questions of law or fact common to a class and the complainant's claim is typical of that of the class. If a complainant moves for class certification after completing the pre-complaint process contained in §1614.105, no additional counseling is required. Instead, the agency or the Administrative Judge, as appropriate, must advise the complainant of his/her rights and responsibilities as a class agent.

A class complaint must be signed by the class agent or a class representative and must identify the policy or practice adversely affecting the class as well as the specific action or policy affecting the class agent.

Within thirty (30) days of an agency's receipt of a class complaint, including the agency's receipt of the class complaint during its investigation of the aggrieved person's individual complaint, an agency must designate an agency representative and forward the complaint, along with a copy of the EEO Counselor's report and any other relevant information about the complaint to the Commission. The agency must forward the class complaint to the EEOC district office having jurisdiction of the agency facility where the complaint arose.